

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AVALON HOLDINGS CORP.,

Plaintiff,

v.

GUY GENTILE and
MINTBROKER INTERNATIONAL, LTD.,

Defendants.

Related to:

NEW CONCEPT ENERGY, INC.

Plaintiff,

v.

GUY GENTILE and
MINTBROKER INTERNATIONAL, LTD.,

Defendants.

No. 18-cv-7291 (VSB)

(ECF Case)

No. 18-cv-8896 (VSB)

(ECF Case)

**JOINT STIPULATION
AS TO CERTAIN FACTS FOR PURPOSES OF SUMMARY JUDGMENT**

Plaintiffs Avalon Holdings Corporation (“Avalon”) and New Concept Energy, Inc. (“New Concept”), together with Defendants Guy Gentile (“Gentile”) and Mintbroker International, Inc. (“Mintbroker”), hereby stipulate and agree as to the following facts:

1. Account #I1043365 was a proprietary trading account held by MintBroker at Interactive Brokers (“Interactive”) and it served as the “Master Account” for two proprietary sub-accounts: (i) Account #UL1043811; and (ii) Account #US1043812 (the “Trading Accounts”).
2. The “Activity Statements” produced by Interactive for each of the Trading Accounts accurately reflect the Avalon (AWX) and New Concept (GBR) trades executed in those Trading Accounts by Gentile, as the sole owner of MintBroker. (See #UL1043811 “Activity

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Statement" (filename: Annual Statements/MINT 2018 UL.pdf), AWX trades at pp.933 –1000; GBR trades at pp.1150 –1202; *see also* #US1043812 "Activity Statement" (filename: Annual Statements/MINT 2018 US.pdf), AWX trades at pp.203-206; GBR trades at pp. 431-433).

3. The trades reflected in the Activity Statements for the Trading Accounts include the Avalon and New Concept trades reflected in the records produced by the Defendants at Bates Numbers MINT-AWX000001-140 and MINT-GBR-000001-159.

4. Cash was credited or debited to the Trading Accounts, as applicable, in connection with each AWX or GBR trade listed on the "Activity Statements," in the amount of the "Proceeds" indicated on the "Activity Statements" for each such trade.

This Stipulation shall be treated as admissions of fact by Plaintiffs and Defendants for the purpose of summary judgment.

Dated: New York, New York

May 13, 2020



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Avalon Holdings Corp.

and New Concept Energy, Inc.

SO ORDERED:



5/14/2020

Hon. Robert W. Lehrburger (U.S.M.J., S.D.N.Y.)